

PETITION TO EXEMPT APPLICANT FROM
PAYMENT OF EXTENSION OF TIME FEES
Application No. 10/624,861
Applicant: Paul Cancilla

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APR 11 2006

Attorney's Docket No. 23-0419/30730

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Re Patent Application of)
Paul Cancilla)
Serial No.: 10/624,861)
Filed: July 21, 2003)
For: CONFIGURABLE SURROUND)
SOUND SYSTEM)
Examiner: Lun S. Lao)
Group Art Unit: 2644)
Attorney: Jeffrey A Proehl)
Deposit Account No. 50-3041)

Mail Stop Petitions
Attention: Office of Petitions
Assistant Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Sir:

**PETITION TO EXEMPT APPLICANT FROM PAYMENT OF
EXTENSION OF TIME FEES – OFFICE ACTION NOT RECEIVED**

1. I hereby petition to exempt applicant from payment of extension of time fees in the amount of \$1,080.00 for the response due in the above-identified case, on the basis that the Office Action was not received. This petition is being submitted with a response to the Office Action during the five-month period for response under 37 C.F.R. 1.136(a).

2. I hereby state:

- (a) The Office Action indicated, as mailed on October 11, 2005, was not received.
- (b) A search of the file jacket and the docket records in my office indicates that this Office Action was not received.

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PETITION TO EXEMPT APPLICANT FROM
PAYMENT OF EXTENSION OF TIME FEES
Application No. 10/624,861
Applicant: Paul Cancilla

3. As additional evidence of non-receipt of the Office Action, I also attach:

- (a) A printout of the computer record for the applicant's application file on the computer database of my office. The computer record printout shows the areas of the database where the mailing date, receipt date, and response due date for the Office Action would have been entered had it been received in my office. (Exhibit "A")
- (b) A copy of the declaration that was originally filed in this application listing the correspondence address as "Kaardal and Associates". It is noted that the correspondence address in the declaration is not the home address of the applicant "PAUL CANCELLA". (Exhibit "B")
- (c) A copy of the Appointment of Power of Attorney and Submission of Change of Power of Attorney Document filed with the U.S. P.T.O. on March 1, 2004 bearing the notation "Official Received Central Fax Center Mar 01 2004" from the U.S.P.T.O. (Exhibit "C")
- (d) A copy of the Notice of Acceptance of Power of Attorney mailed from the U.S.P.T.O. on March 24, 2004. (Exhibit "D")
- (e) A copy of the first page of the pending Office Action mailed October 11, 2005, which indicates that, despite the submission of the above documents and the "Notice of Acceptance" in item (d), the Office Action was mailed to the applicant's (incorrect) home address. (Exhibit "E")

PETITION TO EXEMPT APPLICANT FROM
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Application No. 10/624,861
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(f) A copy of a document obtained from the private PAIR database, indicating that the International Priority Mail sent to the applicant's (incorrect) home address had been returned to the U. S. Patent and Trademark Office. (Exhibit "F")

(g) A printout of the PAIR File History for this application is shown as Exhibit "G". There is an entry dated October 5, 2005 for "Correspondence Address Change". However, a printout of the "Image File Wrapper" for the patent application (Exhibit "H") shows that there is no paper in the IFW that corresponds to any "Correspondence Address Change" that was allegedly received on October 10, 2005. Neither the applicant nor the undersigned (nor, based upon the patent application file in possession of the undersigned, counsel previously representing the applicant) submitted any change of correspondence address on or about this date to the U.S.P.T.O.

4. In consideration of these submissions, it is respectfully requested that the applicant be exempt from payment of extension of time fees, that the period for response to the Office Action of October 10, 2005 be restarted, and that the undersigned be notified of such restarted response period.

5. The Commissioner for Patents is authorized to charge Deposit Account No. 50-3041 for any *necessary* fee for the consideration of this Petition.

Any questions or clarifications on this matter may be directed to the address and telephone number below.

PETITION TO EXEMPT APPLICANT FROM
PAYMENT OF EXTENSION OF TIME FEES
Application No. 10/624,861
Applicant: Paul Cancilla

Respectfully submitted,

WOODS, FULLER, SHULTZ & SMITH P.C.



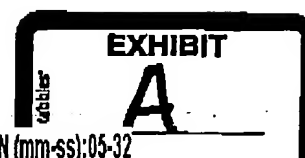
Date: April 11, 2006

Jeffrey A. Proehl (Reg. No. 35,987)
Customer No. 40,158
P.O. Box 5027
Sioux Falls, SD 57117-5027
(605)336-3890 FAX (605)339-3357

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FINAL					
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EXHIBIT A



Attorney's Docket No. K&A 23-0419
Client's Docket No. TOR5811CIP

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

CONFIGURABLE SURROUND SOUND SYSTEM

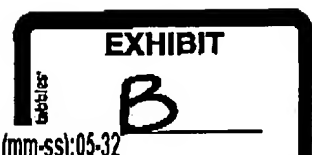
the specification of which is attached hereto.

I further state that I do not know and do not believe that the above-named invention has ever been known or used in the United States before my invention thereof, or patented or described in any printed publication in any country before my invention thereof, or in public use or on sale in the United States more than one year prior to this application; that the invention has not been patented or made the subject of any inventor's certificate in any country foreign to the United States on any application filed by me or my legal representatives or assigns more than one (1) year prior to this application; and that no application for patent or inventor's certificate on the invention has been filed by me or my representatives or assigns in any country foreign to the United States, except as identified below.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment if applicable.

I acknowledge the duty to disclose information to the Patent and Trademark Office all information known to me to be material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed:



Prior Foreign Application(s)Priority Claimed

<u>NONE</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
(Number)	(Country)	(Day/Month/ Year Filed)	(Yes)	(No)

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States Provisional application(s) listed below:

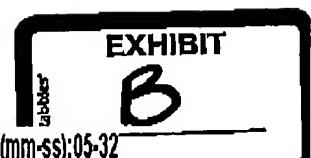
<u>NONE</u>	<u> </u>
(Application No.)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or Section 365 (c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, Section 112. I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>09/426,150</u>	<u>10/22/99</u>	<u>pending</u>
(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys to prosecute this application and transact all business in the U.S. Patent and Trademark Office connected therewith: Ivar M. Kaardal, Registration Number 29,812.



Send Correspondence to: Kaardal & Associates, PC
Attn: Ivar M. Kaardal
3500 South First Ave. Circle - Suite 250
Sioux Falls, South Dakota 57105-5807
Telephone (605) 336-9446, FAX (605) 336-1931
e-mail: patent@kaardal.com

Full Name of Inventor: **PAUL CANCELLA**


Inventor's Signature

Date: July 21st 2003

Residence: **TORONTO, ONTARIO, CANADA**

Citizenship: **CANADA**

Post Office Address: **11 CHURCH STREET WEST #805
BRAMPTON, ONTARIO L6X 4J7
CANADA**

EXHIBIT

B

MAR. 1. 2004 10:24AM

NO. 0230 P. 1/3

**LEONARD
& PROEHL****OFFICIAL**

Date:

3-1-04

Fax Number:

703-872-9306

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From:

☒ Jeff Proehl☐ Mark Ekse☐ Robert K. Huck☐ Stephanie Volgt☐ Cheryl Edblom

Other: _____

RE: Appln. No.

10/624,861Filing Date: 7/21/03

Applicant

ConciliaAppointment of Power of AttorneyTotal Number of Pages (including cover sheet): 3 (Please call us as soon as possible if you do not receive all pages).**Certificate of Transmission**I hereby certify that this correspondence is being
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Leonard & Proehl, Prof. L.L.C.

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PAGE 7/9 * RCVD AT 3/1/2004 11:20:52 AM [Eastern Standard Time] * SVR:USPTO-EFAXF-1/0 * DNIS:8729306 * CSID: * DURATION (mm-ss):04-14

PAGE 18/27 * RCVD AT 4/11/2006 5:27:00 PM [Eastern Daylight Time] * SVR:USPTO-EFAXF-5/3 * DNIS:2738300 * CSID:605 339 3357 * DURATION (mm-ss):05-32

EXHIBIT**C**

MAR. 1. 2004 10:24AM

NO. 0230 P. 2/3

Attorney's Docket No. 23-0419
Client's Docket No. TOR5811CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Re Patent Application of
PAUL CANCELLA
Serial No.: 10/624,861
Filed: 7/21/2003
For: CONFIGURABLE SURROUND SOUND SYSTEM

Examiner:
Group Art Unit: 2641

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SUBMISSION OF CHANGE OF POWER OF ATTORNEY
DOCUMENT

Sir:

Submitted herewith please find a document relating to a
change in the power of attorney and correspondence address for the
above-identified patent application.

Entry of the change indicated on the attached document is
respectfully requested.

Respectfully submitted,



Jeffrey A. Proehl (Reg. No. 35,987)
LEONARD & PROEHL, Prof. L.L.C.
3500 South First Avenue Circle, Suite 250
Sioux Falls, SD 57105-5807
(605)339-2028 FAX (605)336-1931

Date: 3-1-04

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NO. 0230 P. 3/3

Attorney's Docket No. 23-0419
Client's Docket No. TOR5811CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. 10/624,861)
First Named Applicant: PAUL CANCELLA)
Filed: 7/21/2003)
For: CONFIGURABLE SURROUND SOUND SYSTEM)

TC/A.U.: 2641)
Examiner:)
Attorney: Ivar M. Kaardal)
Deposit Account No. 11-0020)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPOINTMENT OF POWER OF ATTORNEY

I/We, the undersigned, hereby revoke all powers of attorney or authorizations of agent given in the above-identified patent application and I/we hereby appoint as attorneys of record, with full power of substitution and revocation, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith:

U.S.P.T.O. Customer No. 40158

Attn: Jeffrey A. Proehl
Leonard & Proehl, Prof. L.L.C.
3500 S. First Ave. Circle, Suite 250
Sioux Falls, SD 57105-5807
(605) 339-2028 FAX (605) 336-1931

Date: Feb 27, 2004

APPLICANT: PAUL CANCELLA

EXHIBIT

C



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY DOCKET NO./TITLE
10/624,861	07/21/2003	Paul Cancilla	23-0419

40158
LEONARD & PROEHL, PROF. L.L.C.
3500 SOUTH FIRST AVENUE CIRCLE
SUITE 250
SIOUX FALLS, SD 57105

CONFIRMATION NO. 7659



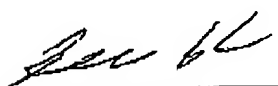
OC000000012176563

Date Mailed: 03/24/2004

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/01/2004.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.



RANDALL H GHOSSEIN
1700 (571) 272-1011

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D



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,861	07/21/2003	Paul Cancilla	23-0419	7659
7590 10/11/2005			EXAMINER	
PAUL CANCELLA 11 CHURCH STREET WEST 805 BRAMPTON, ON L6X4J7 CANADA			LAD, LUNS	
			ART UNIT	PAPER NUMBER
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10/624,861

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Transaction History

Date	Transaction Description
03-21-2006	Case Docketed to Examiner in GAU
10-11-2005	Mail Non-Final Rejection
10-05-2005	Correspondence Address Change
09-29-2005	Non-Final Rejection
07-21-2003	Information Disclosure Statement considered
06-20-2005	Case Docketed to Examiner in GAU
05-23-2005	Case Docketed to Examiner in GAU
03-24-2004	IFW TSS Processing by Tech Center Complete
07-21-2003	Reference capture on IDS
07-21-2003	Information Disclosure Statement (IDS) Filed
03-24-2004	Correspondence Address Change
03-24-2004	Change In Power of Attorney (May Include Associate)
10-22-2003	Application Return from OIPE
10-22-2003	Application Return TO OIPE
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10-22-2003	Application Is Now Complete
10-22-2003	Application Return TO OIPE
10-21-2003	Application Dispatched from OIPE
10-22-2003	Application Is Now Complete
07-21-2003	PGPub nonPub Request
10-09-2003	Cleared by OIPE CSR
09-06-2003	IFW Scan & PACR Auto Security Review
07-21-2003	Initial Exam Team nn

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Available Documents

Mail Room	Date	Document Description	Document Category
	11-15-2005	Mail returned to USPTO as undelivered	PROSECUTION
	10-11-2005	Non-Final Rejection List of References cited by applicant and considered by examiner	PROSECUTION
	10-11-2005	List of references cited by examiner	PROSECUTION
	10-11-2005	Bibliographic Data Sheet Search Information including classification, databases and other search related notes	PROSECUTION
	10-11-2005	Index of Claims Examiner's search strategy and results	PROSECUTION
	09-29-2005	Examiner's search strategy and results	PROSECUTION
	09-23-2005	Examiner's search strategy and results	PROSECUTION
	08-25-2005	Examiner's search strategy and	PROSECUTION

EXHIBIT

H

	<u>results</u>	
03-24-2004	<u>Miscellaneous</u> <u>Action with</u> <u>SSP</u> <u>Power of</u> <u>Attorney</u> <u>(may include</u> <u>Associate</u> <u>POA)</u>	PROSECUTION
03-01-2004	<u>Transmittal</u> <u>letter</u>	PROSECUTION
07-21-2003	<u>Specification</u>	PROSECUTION
07-21-2003	<u>Claims</u>	PROSECUTION
07-21-2003	<u>Abstract</u>	PROSECUTION
07-21-2003	<u>Drawings</u>	PROSECUTION
07-21-2003	<u>Oath or</u> <u>Declaration</u> <u>filed</u> <u>Information</u> <u>Disclosure</u> <u>Statement</u> <u>(IDS) Filed</u>	PROSECUTION
07-21-2003	<u>Fee</u> <u>Worksheet</u> <u>(PTO-875)</u>	PROSECUTION
07-21-2003	<u>Fee</u> <u>Worksheet</u> <u>(PTO-875)</u>	PROSECUTION

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Mary Ellen Dirksen
J. Vincent Jones
Cheri S. Raymond
Sander J. Morehead
Matthew P. Bock
Ryan W. Snell
James A. Power

Attorneys also admitted in
Iowa, Minnesota
and Nebraska

Melvin T. Woods
(1899-1983)
Howell L. Fuller
(1909-1981)
John B. Shultz
(1912-1975)
Francis M. Smith
(1910-2004)

FAX COVER SHEET

FAX #: (571) 273-8300

TO: Mail Stop Amendment, U.S.P.T.O.
Examiner Lun S. Lao, T.C./AU: 2644FROM: Jeffrey A. Proehl Christine K. Lillo
Kay Marshall X Denise Moani NelsonRE: Appln. No. 10/624,861 Filing Date: July 21, 2003 Applicant: Paul
Cancilla

Amendment; Petition and Exhibits A-H

Total Number of Pages (Including cover sheet): 27 (Please call us as soon as possible if you do not receive all pages).Certificate of TransmissionI hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office to 571-273-8300 on April 11, 2006.

Signature

Jeffrey A. Proehl
Kay Marshall
Christine K. Lillo
X Denise Moani Nelson

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PETITION TO EXEMPT APPLICANT FROM
PAYMENT OF EXTENSION OF TIME FEES
Application No. 10/624,861
Applicant: Paul Cancilla

Attorney's Docket No. 23-0419/30730

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Re Patent Application of)
Paul Cancilla)
Serial No.: 10/624,861)
Filed: July 21, 2003)
For: CONFIGURABLE SURROUND)
SOUND SYSTEM)
Examiner: Lun S. Lao)
Group Art Unit: 2644)
Attorney: Jeffrey A Proehl)
Deposit Account No. 50-3041)

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Sir:

**PETITION TO EXEMPT APPLICANT FROM PAYMENT OF
EXTENSION OF TIME FEES – OFFICE ACTION NOT RECEIVED**

1. I hereby petition to exempt applicant from payment of extension of time fees in the amount of \$1,080.00 for the response due in the above-identified case, on the basis that the Office Action was not received. This petition is being submitted with a response to the Office Action during the five-month period for response under 37 C.F.R. 1.136(a).

2. I hereby state:

- (a) The Office Action indicated, as mailed on October 11, 2005, was not received.
- (b) A search of the file jacket and the docket records in my office indicates that this Office Action was not received.

NOTIFICATION TO EXEMPT APPLICANT FROM
PAYMENT OF EXTENSION OF TIME FEES
Application No. 10/624,861
Applicant: Paul Cancilla

Respectfully submitted,

WOODS, FULLER, SHULTZ & SMITH P.C.



Date:

April 11, 2006

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